

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

T02-0026

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Elgin, Joliet, and Eastern Railway Company hereinafter referred to as the "Company", the County of Cook, hereinafter referred to as the "County", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the crossings of the Company's track with public highways known as Sutton Road (County Section Number 02-V4543-02-RR) located near Barrington, and Old Shoe Factory Road (County Section Number 02-A6203-01-RR) located in Hoffman Estates, both located in Cook County, Illinois, designated as crossings DOT 260 521G, milepost 43.47-A; and DOT 260 525J, milepost 41.90-A; respectively;

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes, and sight distances and all other pertinent data relating to the crossings has been obtained and shown on Exhibits A, and A-1 attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties as shown in Section 5 of this agreement; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in

accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be:

SUTTON ROAD

- a) The Company shall remove the existing automatic flashing light signals and install new automatic flashing light signals and gates with LED signal units, controlled by constant warning time circuitry;

OLD SHOE FACTORY ROAD

- b) The Company shall remove the existing automatic flashing light signals and install new automatic flashing light signals and gates with LED signal units, controlled by constant warning time circuitry;

Section 3 The Company has prepared preliminary estimates of cost which are attached as Exhibits B, and B-1 to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

SUTTON ROAD

- a) The cost to install automatic flashing light signals and gates estimated at \$176,912.23, should be allocated 100% to the County (Not to exceed \$176,912.23) with the Company bearing any remaining cost, as well as all future operation and maintenance cost thereof;

OLD SHOE FACTORY ROAD

- b) The cost to install automatic flashing light signals and gates estimated at \$176,912.23, should be allocated 100% to the County (Not to exceed \$176,912.23) with the Company bearing any remaining cost, as well as all future operation and maintenance cost thereof;

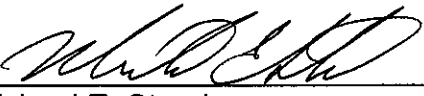
Section 6 The County is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by Resolution attached as Exhibit C.

Section 7 Special Provisions: The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

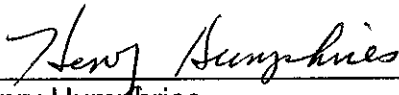
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 7th day of February, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 980 concerning improvements at the crossings of the Elgin, Joliet, and Eastern Railway Company's track with public highways known as Sutton Road (County Section Number 02-V4543-02-RR) located near Barrington, and Old Shoe Factory Road (County Section Number 02-A6203-01-RR) located in Hoffman Estates, both located in Cook County, Illinois, designated as crossings DOT 260 521G, milepost 43.47-A; and DOT 260 525J, milepost 41.90-A; respectively;

Executed by the Company this 12 day of FEB. 2002.

THE ELGIN, JOLIET AND EASTERN
RAILWAY COMPANY

By: M. S. June

Attest:

DR Ojard

Illinois Commerce Commission Stipulated Agreement No. 980 concerning improvements at the crossings of the Elgin, Joliet, and Eastern Railway Company's track with public highways known as Sutton Road (County Section Number 02-V4543-02-RR) located near Barrington, and Old Shoe Factory Road (County Section Number 02-A6203-01-RR) located in Hoffman Estates, both located in Cook County, Illinois, designated as crossings DOT 260 521G, milepost 43.47-A; and DOT 260 525J, milepost 41.90-A; respectively;

Executed by the Department this 27th day of February 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: 
Director of Highways

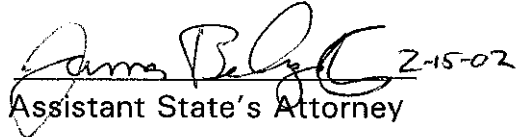
Illinois Commerce Commission Stipulated Agreement No. 980 concerning improvements at the crossings of the Elgin, Joliet, and Eastern Railway Company's track with public highways known as Sutton Road (County Section Number: 02-V4543-02-RR) located near Barrington, and Old Shoe Factory Road (County Section Number: 02-A6203-01-RR) located in Hoffman Estates, both located in Cook County, Illinois, designated as crossing DOT 260 521G, milepost 43.47-A; and DOT 260 525J, milepost 41.90-A; respectively;

Recommended:


Superintendent of Highways

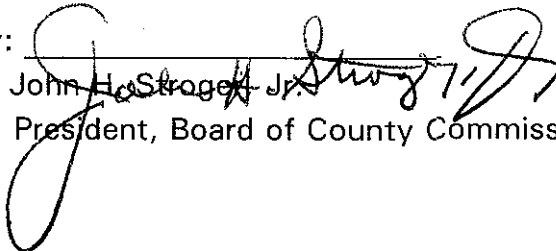
Approved as to form:

Richard A. Devine, State's Attorney

 2-15-02
Assistant State's Attorney

Executed by the COUNTY this 21st day of March 2002.

By:


John H. Stroger, Jr.
President, Board of County Commissioners

Attest:


County Clerk

APPROVED BY BOARD OF
COOK COUNTY COMMISSIONERS

MAR 21 2002

COM _____


I, DAVID D. ORR, County Clerk of Cook County, in the State of Illinois aforesaid and keeper of the records and files of said Cook County, do hereby certify that The Board of Commissioners of The County of Cook, at their regular meeting held on March 21, 2002, passed the following Resolution:

RESOLUTION

Resolved by the members of The Board of Commissioners of Cook County, Illinois, on behalf of the County of Cook, to authorize and direct its President to execute, by original signature or his authorized signature stamp, one copy of a Stipulated Agreement from the Illinois Commerce Commission wherein the Elgin, Joliet and Eastern Railway Company will install crossing gates and flashing signals at its crossing of Sutton Road (designated as County Section: 02-V4543-02-RR) and at its crossing of Old Shoe Factory Road (designated as County Section: 02-A6203-01-RR); that the County of Cook will reimburse the Elgin, Joliet and Eastern Railway Company the costs of said installations, each estimated at \$176,912.23, a total of \$353,824.46, said Agreement attached; and, the Department of Highways is directed to return an executed copy of the Agreement with a certified copy of this Resolution to the Illinois Commerce Commission for use in the issuance of an Order to proceed;

all of which appears from the records and files of my office.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the SEAL of said County at my office in the City of Chicago, this 21st day of March A.D. 2002



County Clerk

SEAL

APPROVED BY BOARD OF
COOK COUNTY COMMISSIONERS

MAR 21 2002

COM _____

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line EJ&E Milepost 43.47-A Inventory # 260 521G
City (N) Barrington Street Sutton Road County Cook
Jurisdiction County Urban Rural X Commercial Residential X
Street Surface Asphalt Width 20' Condition Fair
Angle 26° Tracks Tangent Yes Degree of Curve -- Superelevation -
Depth of Cut ----- Height of Fill -----

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Concrete</u>	<u>62'</u>	<u>Good</u>
<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>
<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>
<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>
<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>	<u>-----</u>

Intersecting Roads 100' None 200' None
Traffic Control Devices Present None
ADT 1,200 Speed 35mph Statewide Yes
Schoolbuses Yes Hazardous Materials Yes Other ---
Rail Traffic: Ft. 4 @ 45 mph Pass. -- @ -- mph Switch ---
Simultaneous Movements No Daylight and Dark Yes
Present Protection AFLS

Advance Warning Signs Yes Pavement Marking Yes

Visibility Study

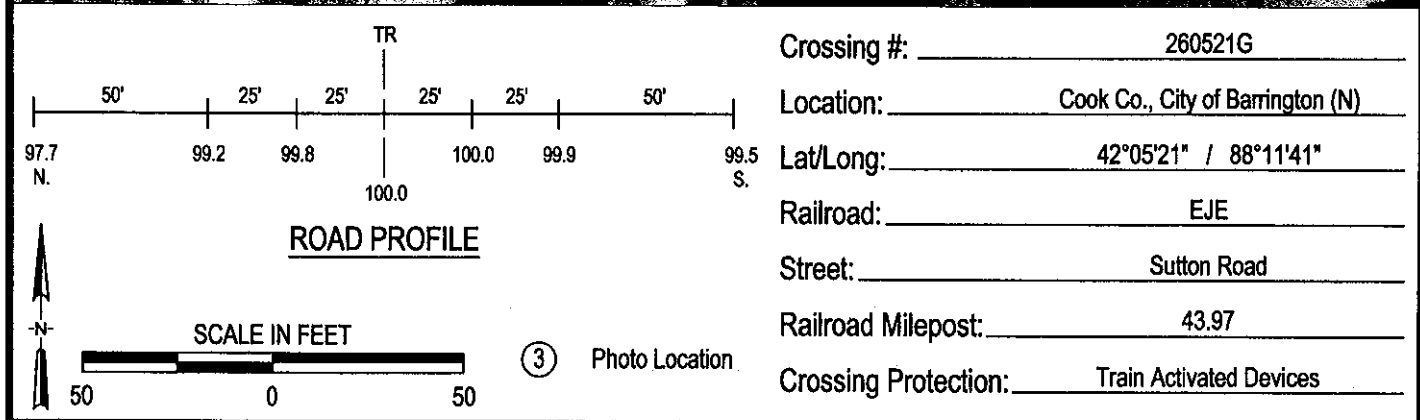
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

North	<u>Meets</u>	<u>'</u>	<u>92 %</u>	<u>Ill.</u>	<u>'</u>	<u>Adm. %</u>	<u>Code</u>	<u>'</u>	<u>1535 %</u>
South	<u>'</u>	<u>'</u>	<u>" %</u>	<u>"</u>	<u>'</u>	<u>" %</u>	<u>"</u>	<u>'</u>	<u>" %</u>

Comments: _____

This image shows a single page from a notebook or ledger. It features approximately 20 evenly spaced, thin grey horizontal lines running across its width. The left edge of the page has faint vertical markings, possibly indicating where it was bound. There are no handwritten notes, drawings, or other markings on the page.



STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

STIPULATED AGREEMENT SURVEY FORM

RR/Line EJ&E Milepost 41.90-A Inventory # 260 525JCity (I) Hoffman Estates Street Old Shoe Factory County CookJurisdiction County Urban X Rural Commercial Residential XStreet Surface Asphalt Width 24' Condition GoodAngle 67° Tracks Tangent No Degree of Curve 1° Superelevation 1"Depth of Cut Height of Fill Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Rubber</u>	<u>44'</u>	<u>Good</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Intersecting Roads 100' None 200' NoneTraffic Control Devices Present NoneADT 4,250 Speed 45mph Statewide YesSchoolbuses Yes Hazardous Materials Yes Other ---Rail Traffic: Ft. 4 @ 45 mph Pass. -- @ -- mph Switch ---Simultaneous Movements No Daylight and Dark YesPresent Protection AFLSAdvance Warning Signs Yes Pavement Marking Yes

Visibility Study

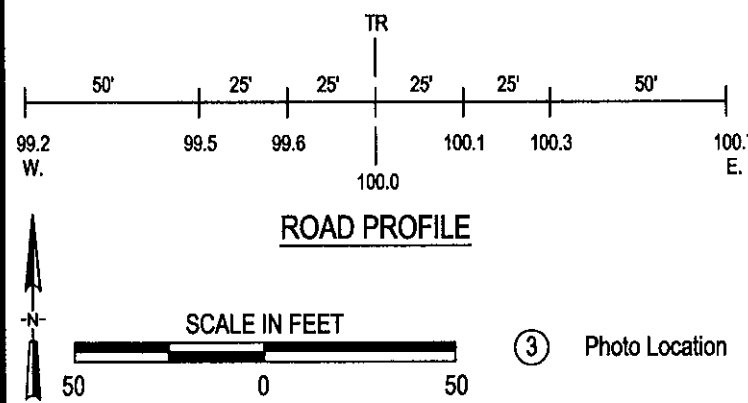
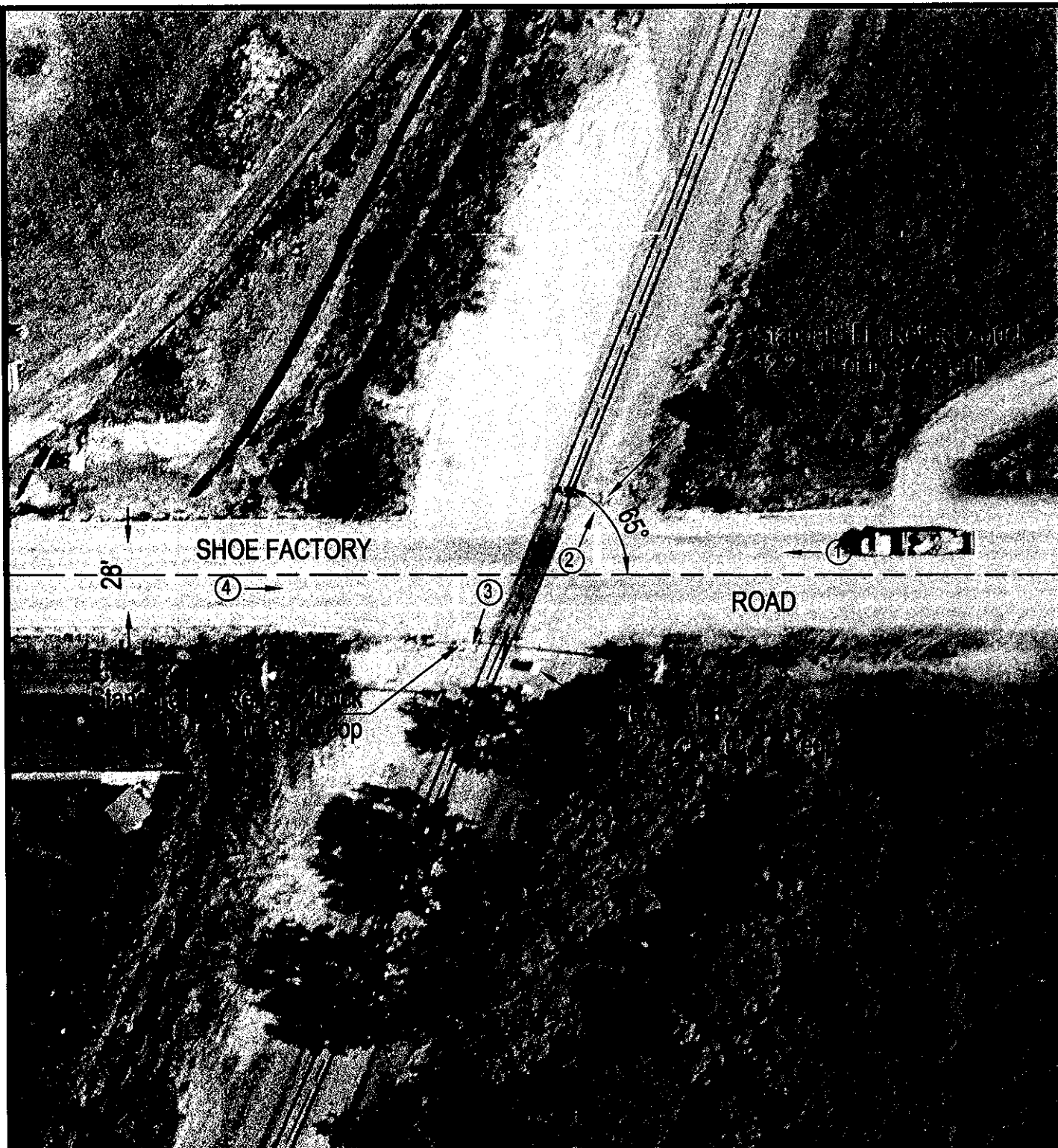
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A			N/A
NW	N/A			N/A
SE	N/A			N/A
SW	N/A			N/A

Approach Grades

East	<u>Meets</u>	'	<u>92</u>	%	<u>Ill.</u>	'	<u>Adm.</u>	%	<u>Code</u>	'	<u>1535</u>	%
West	"	'	"	%	"	'	"	%	"	'	"	%

Comments: _____

[illegible]



Crossing #: 260525J

Location: Cook Co., City of Hoffman Estates (I)

Lat/Long: 42°03'38" / 88°12'21"

Railroad: EJE

Street: Shoe Factory Road

Railroad Milepost: 41.90

Crossing Protection: Train Activated Devices

③ Photo Location

DETAILED ESTIMATE

EXHIBIT B
PAGE 1

Name of Carrier:
Elgin, Joliet & Eastern Railway Company

Date:
22-Jun-01

Page 1 of 2

Description and Location of Project:

Install New Crossing Protection System and Add Gates at the Sutton Road Crossing,
Hoffman Estates, Cook County, Illinois- EJ&E Western Subdivision

AAR/DOT#:
260 521G

Milepost:
43.97

Location:
Sutton Road Crossing

Description	Unit	# of Units	Unit Cost	Material Cost	Labor	Total
<u>MATERIAL:</u>						
Crossing Protection System Complete- To Include HXP Predictor, Gates, LED Flashing Lights, Solid State Crossing Controls, Chargers, Batteries, Electronic Bells, Data Recorder, Remote Crossing Monitoring System, Bungalow, Foundations & Associated Hardware	Lot	1	85,000.00	85,000.00		
Signal Cable 2/C #6 AWG Twist Track Wire	Ft.	1000	1.25	1,250.00		
Signal Cable 7/C #6 AWG - Gate	Ft.	500	5.60	2,800.00		
Signal Cable 5/C #9 AWG - Gate	Ft.	500	5.00	2,500.00		
Power Cable 2/C #6 AWG	Ft.	250	5.00	1,250.00		
Electrical Service Materials	Lot	1	3,000.00	3,000.00		
Other Miscellaneous Material	Lot	1	2,500.00	2,500.00		
Material Subtotal				98,300.00		
Handling (%) 11				10,813.00		
<u>Material Total:</u>				<u>109,113.00</u>		109,113.00

LABOR:

Signalman	MH	1000	19.56	19,560.00		
Signal Foreman	MH	120	19.56	2,347.20		
C&E Lineman	MH	100	19.56	1,956.00		
Engineering and Accounting	lot	1	3,500.00	3,500.00		
Labor Subtotal				27,363.20		
Add Fringe (%) 76				20,796.03		
<u>Labor Total:</u>				<u>48,159.23</u>		48,159.23

Page 2
Sutton Road Estimate
22-Jun-01

OTHER:

Equipment Cost	lot	1	14,640.00	14,640.00	
(Based on Total Hours)					
Underground Conduit Bore	Lot	1	5,000.00	5,000.00	
	<u>Other Total:</u>			<u>19,640.00</u>	19,640.00

Net Project Expenditure:

176,912.23

Figured By: J. Jevtovic
Checked By: T. W. Hunter

DETAILED ESTIMATE

Name of Carrier:
Elgin, Joliet & Eastern Railway Company

Date:
22-Jun-01

Page 1 of 2

Description and Location of Project:

Install New Crossing Protection System and Add Gates at the Shoe Factory Road Crossing,
Hoffman Estates, Cook County, Illinois- EJ&E Western Subdivision

AAR/DOT#:
260 525J

Milepost:
41.9

Location:
Shoe Factory Road Crossing

Description	Unit	# of Units	Unit Cost	Material Cost	Labor	Total
<u>MATERIAL:</u>						
Crossing Protection System Complete- To Include HXP Predictor, Gates, LED Flashing Lights, Solid State Crossing Controls, Chargers, Batteries, Electronic Bells, Data Recorder, Remote Crossing Monitoring System, Bungalow, Foundations & Associated Hardware	Lot	1	85,000.00	85,000.00		
Signal Cable 2/C #6 AWG Twist Track Wire	Ft.	1000	1.25	1,250.00		
Signal Cable 7/C #6 AWG - Gate	Ft.	500	5.60	2,800.00		
Signal Cable 5/C #9 AWG - Gate	Ft.	500	5.00	2,500.00		
Power Cable 2/C #6 AWG	Ft.	250	5.00	1,250.00		
Electrical Service Materials	Lot	1	3,000.00	3,000.00		
Other Miscellaneous Material	Lot	1	2,500.00	2,500.00		
Material Subtotal				98,300.00		
Handling (%) 11				10,813.00		
			<u>Material Total:</u>	109,113.00		109,113.00

LABOR:

Signalman	MH	1000	19.56		19,560.00	
Signal Foreman	MH	120	19.56		2,347.20	
C&E Lineman	MH	100	19.56		1,956.00	
Engineering and Accounting	lot	1	3,500.00		3,500.00	
Labor Subtotal					27,363.20	
Add Fringe (%) 76					20,796.03	
Labor Total:					48,159.23	48,159.23

Page 2
Shoe Factory Road Estimate
22-Jun-01

OTHER:

Equipment Cost	lot	1	14,640.00	14,640.00
(Based on Total Hours)				

Underground Conduit Bore	Lot	1	5,000.00	5,000.00
	<u>Other Total:</u>		<u>19,640.00</u>	

19,640.00

Net Project Expenditure:

176,912.23

Figured By: J. Jevtovic
Checked By: T. W. Hunter

Exhibit (C)

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date 3/21/02

Agreement # 980

The COOK COUNTY BOARD SEE ATTACHED

meeting on 3/21/02, Resolved to authorize ITS Highway Department
(Date) (Name, Office)

to act as its designated agent in the processing of this Stipulated agreement and

that the COUNTY OF COOK is financially willing and able to

bear the cost for the proposed improvements as may be assigned to it according

to Section 5 of this Agreement.

STATE OF ILLINOIS
COUNTY OF COOK

I, David D. Orr, County Clerk of Cook County, in the State aforesaid and keeper of the records and files of said Cook County, do hereby certify that the attached is a true and exact copy of an Improvement Resolution approved by the Cook County Board of Commissioners at their meeting of March 7, 2002, all of which appears from the records and files of my office.

State of Illinois
Resolution for Improvement by County
Under the Illinois Highway Code

BE IT RESOLVED, by the County Board of Commissioners of Cook County, Illinois, that the following described County Highway be improved under the Illinois Highway Code:

County Highway V45, Sutton Road at Elgin, Joliet and Eastern Railroad; and,

BE IT FURTHER RESOLVED, that the type of improvement shall be the installation of a crossing protection system and shall include predictors, gates, LED flashing lights, solid state crossing controls, chargers, batteries, electronic bills, data recorder, remote crossing monitoring system, foundations, labor, traffic control, and other necessary highway appurtenances and shall be designated as Section: 02-V4543-02-RR MFT; and,

BE IT FURTHER RESOLVED, that the improvement shall be constructed by the Elgin, Joliet and Eastern Railway Company; and,

BE IT FURTHER RESOLVED, that there is hereby appropriated the sum of Two Hundred and Twenty-Five Thousand and NO/100 Dollars, (\$225,000.00) from the County's allotment of Motor Fuel Tax Funds for the construction of this improvement; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the District Office of the Illinois Department of Transportation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of said County at my office in the City of Chicago in said County, this 7th day of March A.D. 2002.



County Clerk

APPROVED BY BOARD OF
COOK COUNTY COMMISSIONERS

MAR 07 2002

COM

STATE OF ILLINOIS
COUNTY OF COOK

I, David D. Orr, County Clerk of Cook County, in the State aforesaid and keeper of the records and files of said Cook County, do hereby certify that the attached is a true and exact copy of an Improvement Resolution approved by the Cook County Board of Commissioners at their meeting of March 7, 2002, all of which appears from the records and files of my office.

State of Illinois
Resolution for Improvement by County
Under the Illinois Highway Code

BE IT RESOLVED, by the County Board of Commissioners of Cook County, Illinois, that the following described County Highway be improved under the Illinois Highway Code:

County Highway A62, Shoe Factory Road at Elgin, Joliet and Eastern Railroad; and,

BE IT FURTHER RESOLVED, that the type of improvement shall be the installation of a crossing protection system and shall include predictors, gates, LED flashing lights, solid state crossing controls, chargers, batteries, electronic bills, data recorder, remote crossing monitoring system, foundations, labor, traffic control, and other necessary highway appurtenances and shall be designated as Section: 02-A6203-01-RR MFT; and,

BE IT FURTHER RESOLVED, that the improvement shall be constructed by the Elgin, Joliet and Eastern Railway Company; and,

BE IT FURTHER RESOLVED, that there is hereby appropriated the sum of Two Hundred and Twenty-Five Thousand and NO/100 Dollars, (\$225,000.00) from the County's allotment of Motor Fuel Tax Funds for the construction of this improvement; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the District Office of the Illinois Department of Transportation.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of said County at my office in the City of Chicago in said County, this 7th day of March A.D. 2002.



County Clerk

APPROVED BY BOARD OF
COOK COUNTY COMMISSIONERS

MAR 07 2002

COM _____